

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAYON D. LIVELY,

Plaintiff,

CASE NO. 11cv153-LAB (MDD)

vs.
ROBERT TOVAR, et al.,

Defendant.

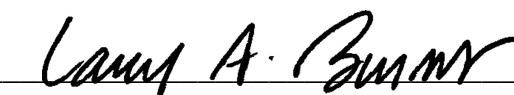
ORDER OF DISMISSAL

On August 9, 2013, the Court ordered Plaintiff Dayon Lively to show cause why his remaining claims should not be dismissed, and this action dismissed with prejudice. He was to have filed a memorandum of points and authorities no later than August 26, 2013 showing why his claims against Defendant Trujillo should not be dismissed for failure to serve. Since then, he has not filed anything, nor sought any additional time in which to do so.

Pursuant to Fed. R. Civ. P. 4(m) and 41(b) and Civil Local Rule 41.1, all claims against Trujillo are **DISMISSED** for failure to serve and failure to prosecute. Because all other claims have already been dismissed, this action in its entirety is **DISMISSED**. With regard to claims against Trujillo, it is **DISMISSED WITHOUT PREJUDICE**, but **WITHOUT LEAVE TO AMEND**. As to all other claims, it is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

DATED: 9/10/2013


HONORABLE LARRY ALAN BURNS
United States District Judge